

**Written Testimony of Ms. Sri Suparyati**  
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Thank you very much for inviting me to speak to you today. I would also like to thank FIDH - the International Federation for Human Rights – for bringing me to Washington from Jakarta. My organization, The Commission for the Disappeared and Victims of Violence (KontraS), recently celebrated our 15<sup>th</sup> anniversary. Our organization has offices throughout Indonesia where we monitor past and current human rights abuses and advocate on behalf of victims.

I want to speak with you today about the documented pattern of past and present gross human rights violations committed by the Indonesian military and police against civilians. During the Soeharto era, the Indonesian military and police committed many egregious violations. Our current government, led by President Susilo Bambang Yudhoyono (also known as SBY), has done almost nothing to hold perpetrators accountable for past and current abuses, or to put into place regulations that would stop abuses from happening in the future. The current government refuses to investigate or prosecute these crimes, nor provide reparations to victims. Yet more troubling is the fact that violations committed by the state security forces have not stopped since the country's transition to democracy; a culture of violence and impunity continues to permeate the military and police.

**1. Impunity for past human rights violation**

Despite having been in power for several years, the government of SBY has not taken significant steps to solve the problem of impunity for past human rights abuses committed in Indonesia. I would like to highlight two emblematic cases of ongoing impunity within the Indonesian armed forces: the unsolved murder of KontraS's founder and human rights activist Munir Said Thalib, and the enforced disappearances that took place between 1997 and 1998.

**a. Munir's murder**

Munir Said Thalib was murdered on September 7, 2004 on a Garuda Airlines flight from Jakarta to Amsterdam. In 2005, President SBY ordered a fact-finding team to investigate his death, but the report from this investigation was never released. On November 9, 2005, the members of the U.S. House of Representatives sent a letter to President SBY urging him to release the report and act on its recommendations. At the time, the letter was widely reported in the press and was helpful in bringing international attention to Munir's murder and the Indonesian government's failure to act. As a result, the Indonesian police opened an investigation and a former Garuda pilot, Pollycarpus Budihari Priyanto, was convicted of the murder charge and sentenced to 20 years in prison. However, KontraS's own research on this case leads us to believe that the

convicted pilot was only a hired assassin, and that the people who plotted Munir's murder are still at large.

#### **b. Enforced disappearances of 1997-1998**

Wiji Thukul, an Indonesian poet born in 1963, was known for being openly critical of the Indonesian government and the social conditions in the country. He has been missing since 1998. To date, his family knows nothing of his whereabouts.

Wiji Thukul is one of 13 pro-democracy activists who disappeared between 1997 and 1998. In response to a report published by the Indonesian Human Rights Commission in 2009 on these enforced disappearances, the Indonesian House of Representatives issued four official recommendations to President SBY:

- 1) to establish an ad hoc Human Rights Court;
- 2) to initiate an independent and impartial investigation into the whereabouts of the disappeared;
- 3) to provide reparations and rehabilitation for the families of the disappeared, and;
- 4) to ratify the U.N. Convention on the Protection of All Persons from Enforced Disappearances.

Although the ratification of the Convention is part of Indonesia's National Action Plan on Human Rights, to this day the government has failed to actually fulfill any of the recommendations put forth by the Indonesian Human Rights Commission. In addition, the person who is widely believed to be responsible for these disappearances and many other gross human rights violations, former Special Forces Commander Prabowo Subianto, is now a front-runner for the upcoming presidential election in 2014.

These are only two examples of the pervasive impunity for human rights violations in Indonesia, especially those committed by State security forces. This is especially troubling within the Indonesian military, as soldiers accused of human rights violations are currently tried in military courts, even in instances when the alleged crimes are perpetrated against civilians. This has resulted in many perpetrators of gross human rights violations receiving extremely lenient sentences. For example, the military tribunal that found thirteen soldiers of the Tim Mawar (known as the Rose Team) guilty of kidnapping pro-democracy activists in 1997 and 1998, sentenced them to only 20 to 22 months in prison. Similarly, nine members of the 774<sup>th</sup> Battalion received only a one-year prison sentence for the torture and killing of 17-year-old Charles Mali. Often such cases are not even adjudicated, as many are settled out of court. Even if cases are tried in court, military tribunals are often not transparent and do not meet international standards. These practices violate, *inter alia*, Article 26 of the ICCPR by treating military personnel as though they are above the law, and denying the victims of gross human rights violations protection before the law.

## **2. Ongoing human rights violations committed by the armed forces**

The widespread impunity for past human rights violations has created a climate where state security forces are not deterred from committing more abuses, and the military and police continue to commit human rights violations on a daily basis.

In 2012, KontraS documented at least 704 human rights violations committed by the police, and 94 violations committed by the military. These included shootings, torture, arbitrary arrests and detention, among others. In a particularly shocking case, on March 23rd 2013, members of the military Special Forces raided a Central Java prison and shot and killed four prisoners who were awaiting trial for murder charges. 11 soldiers are now facing charges in military court for this attack, but based on the track record of military tribunals in Indonesia, there is strong reason to believe the perpetrators will get off with minimal sentences, or possibly even acquittals.

This cycle of unchecked violence is exacerbated by the failure of Indonesia's laws and criminal code to reinforce accountability for human rights violations. For example, the President recently passed a law (Presidential Instruction (Inpres) No. 2/2013) on internal and public security, which gives the military authority to intervene in situations that "threaten public order." The ambiguity of this law could provide the military with authority to suppress dissent and freedom of expression in the name of security and public order.

In addition, the Indonesian criminal code does not articulate torture as a specific crime. Torture continues to be common during arrests and detention, and perpetrators are never held to account.

## **Recommendations**

In light of these ongoing abuses and lack of justice for victims, we believe it is in the best interest of the United States to be cautious in its relationship with Indonesia, so as to avoid supporting a military and police force that are guilty of gross human rights violations. Moreover, it is the moral responsibility of the United States to use its influence over Indonesia to push for greater accountability and respect for international law.

We call on the US government to insist that President SBY exercise leadership in addressing past human rights abuses committed by Indonesian security forces, and preventing future violations, by:

1. Releasing the 2005 report on Munir Said Thalib's death and acting on the recommendations therein;
2. Implementing the recommendations of the Indonesian Parliament regarding the enforced disappearances in 1997-1998, by creating an ad hoc Human Rights

- Court, initiating an investigation into the whereabouts of the disappeared, and providing rehabilitation and reparations for the victims' families;
3. Condemning ongoing acts of violence by the Indonesian military and police against civilians, and reforming the policies of these state institutions to ensure that perpetrators of any future acts of violence are held accountable in civilian courts;
  4. Reform Indonesia's criminal court to reflect international human rights norms and laws, by, for example:
    - a. criminalizing the use of torture, and
    - b. limiting military involvement in questions of internal security through provisions outlining proportionality and the last resort principle.

If the Indonesian government fails to provide these protections and the Indonesian military and police continue to commit human rights abuses, the U.S. Congress should insist on terminating any funding for the Indonesian armed forces. This is not unprecedented; the U.S. Congress enacted a ban on military funding for Indonesia from 1992 to 1995 in response to human rights violations by the Indonesian military in East Timor. However, despite ongoing violations and impunity, Indonesia has received hundreds of millions of dollars in military assistance from the U.S. since Obama came into office. In September 2012, Obama proposed another 1.4 billion dollar arms package for Indonesia.

Until the Indonesian government can curtail gross human rights violations and hold military leadership accountable, the U.S. should terminate this support to the Indonesian armed forces.

Thank you again for your attention to this very important issue.